

REMARKS

Claims 31 and 35 have been amended to recite a “loop-like” arrangement. Support for a loop-like arrangement is found in the specification on page 5, last sentence of the 2nd paragraph. No new matter has been added.

Claims 29, 32, 35, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Curiel (U.S. Patent 6,164,548) in view of Zeiter *et al.* (U.S. Patent 6,270,869 hereinafter “Zeiter”). Curiel is cited for teaching a method for making a foil within resinous plastic layers. Ink is printed on the foil or the foil can be embossed with a hologram. Zeiter teaches a laminate film comprising a metal foil surrounded by plastic layers such as used in a push-through or blister pack for tablets. Curiel teaches encapsulating a metal strip, whereas present claim 29 recites “b. then extrusion-coating a reinforcement layer consisting of plastic (24) only on the lower side of the upper layer (12).” Curiel states in column 2, lines 53-57 that the “hologram containing metal foil is encapsulated within a resinous plastic material.” Curiel defines encapsulation at column 4, line 66 to column 5 line 7 as “by extrusion of a resinous plastic material therearound...the term will embrace strips which are completely encapsulated and substantially completely encapsulated, such as where strip ends are exposed.” Zeiter teaches a metal foil with plastic layers on both sides of the foil. The references, however, do not teach “having plastic only on the lower side of the upper layer” as recited in present claim 29. The Examiner contends that Zeiter’s use of PVC teaches removal strips, and that exposing the underside of the metal foil of Curiel will not allow access to the hologram on the other surface of the foil. Applicants assert that Curiel

teaches against exposing the foil on either surface. Furthermore, the hologram (60) in figure 2 of Curiel is part of the metal foil (12) and not a separate part of foil (12). Thus, hologram (60) could be manipulated by access to metal foil 12 even from the opposite side of the hologram (60). The combination of Curiel and Zeiter would render Curiel inoperable and is in contrast to Curiel's teaching of an encapsulated foil. Claim 29 should therefore be allowable.

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Curiel and Zeiter in view of Levendusky (U.S. Patent 5,919,517). The Examiner contends that Curiel teaches ink that can function as a buffer. The present claims do not recite a "buffer." Present claims 31 and 35 recite a slack loop and loop-like arrangement respectively, which are not taught in the cited art. The Examiner contends that the curved path and tension rollers of Levendusky would be obvious to incorporate with Curiel's method of coating aluminum foil with polymer. Present claim 31 depends from claim 35, and claim 35 depends from claim 29. Dependent claims 35 and 31 are allowable as further limiting an allowable base claim. Claim 31 recites "the upper layer (12) runs like a slack loop in the area of the buffer arrangement." The slack loop is in contrast to Levendusky's teaching of tension rollers (14) (see Levendusky, Fig. 1 and column 2, lines 34-38). Applicants request withdrawal of the rejection of claims 31 and 35.

Present Claim 32 recites an additional plastic layer. The Examiner states that the PVC layer in Zeiter is detachable by hand and therefore teaches the additional plastic layer that is detachable by hand in present claim 32. Curiel and Zeiter contradict each

other and cannot be combined because a removable PVC strip as taught in Zeiter cannot be combined with Curiel's "tamper resistant" encapsulated foil. The detachable additional plastic layer according to present claim 32, which serves as a protective layer, is not taught by Curiel. Curiel teaches completely encapsulating the metallic layer with a uniform plastic material (100) (see Curiel, column 6, lines 30-34, and Figure 2). Curiel's strip must be encapsulated in order to protect the desired information: "The information is physically encased within protective materials thereby precluding direct access for alteration, "(see Curiel, column 2, lines 38-44).

The Examiner states that Zeiter teaches using PVC on one side of the metal foil, and this PVC layer is loosely bonded and detachable by hand. Detaching the protective layer of Curiel according the teaching of Zeiter would allow access to the metal foil below, which Curiel teaches against. The references cannot be combined.

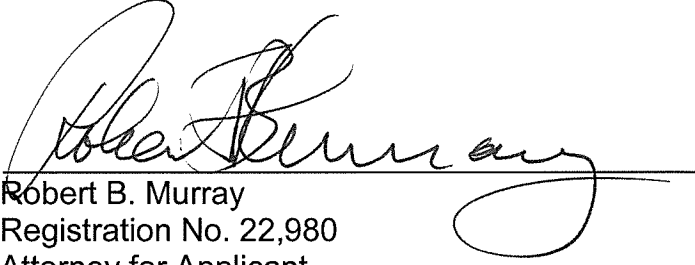
Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Curiel and Zeiter in view of Jackson (U.S. Patent 3,745,056). Claims 33 and 34 depend from claim 29 and are allowable for limiting an allowable claim. Moreover, regarding claim 33, the varnish in present claim 33 is protective and not adhesive on both sides in contrast to Jackson's teaching of tape that is adhesive on both sides. Jackson teaches adhesive material between the metal foil (12) and the film (13) (see Jackson, Figure 1) whereas present claim 33 only recites a protective varnish.

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Curiel and Zeiter in view of Pannier (U.S. Patent 1,856,928). Claim 36 depends from claim 35, which depends from claim 29. Claim 36 is allowable for depending from an

allowable claim. As argued above, Applicants assert Curiel and Zeiter can not be combined because Curiel requires an encapsulated foil, whereas Zeiter is being combined for its teaching of the removable PVC film.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections. Early and favorable action is awaited. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

By: 
Robert B. Murray
Registration No. 22,980
Attorney for Applicant
ROTHWELL, FIGG, ERNST & MANBECK, PC
Suite 800, 1425 K. Street
Washington, D.C. 20005
Telephone: (202) 783-6040

RBM/GP